

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD B. SPENCER,

Plaintiff,

v.

D. LOPEZ,

Defendant.

Case No. 1:20-cv-01203-JLT-CDB (PC)

**ORDER GRANTING DEFENDANT'S
MOTION FOR ADMINISTRATIVE RELIEF
AND CONTINUING STATUS
CONFERENCE TO MARCH 15, 2023**

Plaintiff Edward B. Spencer is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on a First Amendment retaliation claim against Defendant D. Lopez.

I. RELEVANT PROCEDURAL BACKGROUND

On December 21, 2022, this Court set this matter for a status conference, to be held January 25, 2023, via Zoom videoconference, concerning Defendant's Notice of Request to File Documents Under Seal in Support of Defendant's Motion for Summary Judgment. (*See* Doc. 69.)

On January 23, 2023, Defendant filed a Motion for Administrative Relief to Continue January 25, 2023 Status Conference. (Doc. 73.) The motion is supported by the Declaration of Garrett L. Seuell as counsel for Defendant. (*Id.* at 3.) Counsel declares he has prepared for the status conference in good faith and has met and conferred with Plaintiff. (*Id.*, at ¶ 3.) During a

1 January 20, 2023 telephone conversation, the parties discussed Plaintiff's new settlement offer.
2 (*Id.*, at ¶ 4.) Defense counsel advised Plaintiff he would seek a 45-day continuance to allow for
3 discussion of Plaintiff's offer with Defendant, and, if necessary, to request settlement authority;
4 Plaintiff had no objection. (*Id.*) Defense counsel believes good cause exists to continue the status
5 conference, for were the matter to settle, the status conference would become unnecessary. (*Id.*, at
6 ¶ 5.) Counsel declares the request for a continuance is not made for any improper purpose or to
7 cause undue delay. (*Id.*, at ¶ 6.)

8 **II. CONCLUSION AND ORDER**

9 Good cause appearing, **IT IS HEREBY ORDERED** that the Status Conference
10 previously set for January 25, 2023 be **CONTINUED to March 15, 2023, at 10:00 a.m.**, via
11 Zoom videoconference.

12 As previously ordered, defense counsel shall arrange for Plaintiff's participation on March
13 15, 2023. Prior to the status conference, defense counsel shall contact the undersigned's
14 courtroom deputy at SHall@caed.uscourts.gov for the Zoom videoconference connection
15 information. The Court will issue a writ of habeas corpus ad testificandum to allow for Plaintiff's
16 participation, as appropriate.

17 In the event the parties agree to settle this matter, defense counsel shall file a notice of
18 settlement with the Court pursuant to Local Rule 160.

19 **IT IS SO ORDERED.**

20 Dated: **January 23, 2023**

21 
22 UNITED STATES MAGISTRATE JUDGE